IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8664 of 2004

Between:

The Person-In-Charge/President, PACS Ltd., Vepakuntla,
Khammam

..... PETITIONER

AND

1 K. Ramdas, S/o Narayana
PACS Vepakuntla, R/o Guvvalagudem, Khammam district
2 The District Co-operative Officer, Khammam, Khammam District
3 The District Collector, Khammam, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Certiorari to call for the records relating to order in SE. No. 3/2001 on the file of the Authority Under Section 48 (1) of A.P. Shops & Establishment Act 1998 and Assistant Commissioner of Labour, Khammam Dated 03-02-2003 and suspend the same as arbitrary, illegal.

Counsel for the Petitioner: MR. DADIRADHA KRISHNA

Counsel for the Respondent No.1: MR. P. PRABHAKAR REDDY.

Counsel for the Respondent Nos.2&3: GP FOR LABOUR

The Court made the following :

ORDER:

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

The petitioner herein, who is the Person-in-charge/President, Primary Agricultural Co-operative Society, Vepakuntla, filed this writ petition, *inter-alia,* seeking writ of certiorari to suspend the proceedings in S.E.No.3 of 2001 on the file of the Authority under Section 48(1) of the Andhra Pradesh Shops & Establishments Act 1988 (for short 'the Act') and the Assistant Commissioner of Labour, Khammam dated 03-02-2003, as arbitrary and illegal.

The case arises out of an action taken by the petitioner-Management from removing the 1st respondent herein from service. Then, the first respondent approached the authority constituted under the Act by filing S.E.No.3/2001 and the same was allowed directing the petitioner and the 2nd respondent herein to continue respondent No.1 herein in service and pay the back wages with all attendant benefits within 30 days from the date of receipt of a copy of the order. Instead of filing an appeal as provided under Section 48(b) of the Act, the petitioner directly approached this Court under Article 226 of the Constitution of India.

In the circumstances, it has to be held that no such writ lies nor the petitioner can invoke jurisdiction without exhausting the alternative remedy.

Accordingly, the writ petition is dismissed with a liberty to the petitioner to file an appeal within a period of six weeks from today and on filing of which, the appellate authority shall dispose of the same without raising any plea of limitation in accordance with law after giving notice and opportunity to both parties. No costs.

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04-02-2005

To

1 The District Co-operative Officer, Khammam, Khammam District
2 The District Collector, Khammam, Khammam District

3. Two CCs to the Government Pleader for Labour, High Court Building, Hyderabad. (OUT).

4. Two CD copies.

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